

EF

Notice of Allowability

Application No.

10/692,294

Examiner

Nikita Wells

Applicant(s)

FORD ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 23 October 2003.
2. ☒ The allowed claim(s) is/are 1-30 and 81-84.
3. ☒ The drawings filed on 23 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 051605.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Nikita Wells
Primary Examiner
Art Unit: 2881

Detailed Action

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nicholas A. Kees on May 16, 2005.

The Examiner initiated an interview with the Applicant in order to cancel claims that were not elected in the response to the Restriction/Election received April 25, 2005, where the Applicant chose Group I, claims 1-30 and 81-84 with traverse for the prosecution of the application. The Applicant agreed to the cancellation of the non-elected claims as follows:

2. Claims 31-80 and 85-92 are cancelled.

Allowable Subject Matter

3. Claims 1-30 and 81-84 are allowed.

4. The following is an examiner's statement of reasons for allowance:

With respect to the independent claims 1, 13, 17, 21, 28, and 30, prior art fails to disclose or make obvious, in combination with other recited features of the claim limitations, a multi-mode electromagnetic radiation emitting device, comprising: an emission module comprising at least one electromagnetic radiation emitting source, a first terminal, a second terminal and a polarity responsive controller interposed between said electromagnetic radiation emitting sources and said first and second terminals; a polarity switch for selectively defining interconnections

Art Unit: 2881

between the first and second terminals; wherein the polarity responsive controller comprises: a first bank of instructions and a second bank of instructions, each of said first and second bank comprising at least two predetermined sets of signaling instructions; along with a first and second power supply circuit activated by the interconnections thereby providing DC power to said electromagnetic radiation emitting sources according to set of instructions. The dependent claims 2-12, 14-16, 18-20, 22-27, and 29, are allowable by virtue of their dependence upon the independent claims 1, 13, 17, 21, and 28, respectively.

With respect to the independent claim 81, prior art fails to disclose or make obvious, in combination with other recited features of the claim limitations, a multi-mode electromagnetic radiation emitting device, comprising: a source of power; an emission module comprising at least one electromagnetic radiation emitting source; a switch mechanism for providing selectable switched circuit connections, comprising: a first part and a second part arranged for relative displacement; a ratchet mechanism for limiting the displacement of the first part relative to the second part to predetermined positions, at least one of said predetermined positions being a deactivated position, the remainder being activated positions; and a magnet mounted on said second part such that said magnet moves relative to said switches in response to movement of said second part relative to said first part, said magnet selectively actuating certain of said switches. The dependent claims 82-84 are allowable by virtue of their dependence upon the independent claim 81.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gagnot et al. (6,002,212) and M.M. Gesin (4,906,858) disclose controlled electronic

Art Unit: 2881

switching circuits that can be used for driving radiation emitting devices. T.D.F. Ford (6,445,132 B1) discloses a multi-mode light-emitting device having a light source which changes illumination from steady state to flashing dependent on the polarity of the power source connections.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2881

A handwritten signature in black ink, reading "Nikita Wells". The signature is written in a cursive style with a large, stylized "N" and "W".

Nikita Wells, Primary Examiner

Art Unit 2881

May 16, 2005